

**REMARKS**

The Office Action of March 6, 2006 has been received and carefully reviewed. By the above amendment, claims 1, 35, and 36 have been cancelled without prejudice or disclaimer, claims 2-26 and 31 have been amended, and new claims 37 and 38 have been added. Applicant notes with appreciation the indication in the Office Action that claims 11-13 and 36 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The above amendments include changes to the terminology to increase the clarity of the claims in response to the indefiniteness rejections in the Office Action, and these amendments are believed to render the pending claims definite within the meaning of 35 U.S.C. § 112, second paragraph. Claims 11-13 were indicated in the Office Action as allowable, and have accordingly been placed in independent form including the limitations of the corresponding independent claim 1 and any intervening claims, whereby independent claims 11-13 are now believed to be in condition for allowance. In addition, by the above amendment, claims 2-10, 14, and 15 now depend from allowable claim 13 and thus are themselves in condition for allowance. Further, claim 36 was indicated as allowable in the Office Action wherein the features of cancelled claims 35 and 36 have been introduced into independent claim 26, whereby this claim and dependent claims 27-34 have been placed in condition for allowance. Independent claim 16 has been amended to include features of original dependent claim 17 and is now believed to be patentably distinct from the record art along with dependent claims 17-25 and new claims 37 and 38. Applicant respectfully requests reconsideration of the pending claims in view of the above amendments and the following remarks.

**I. REJECTION OF CLAIMS 1, 16, AND 26 UNDER 35 U.S.C. § 112**

Claims 1, 16, and 26 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failure to particularly point out and distinctly claim the subject matter regarded as the invention. By the above amendments, any lack of clarity has been removed with respect to the parties and subscribers recited in the claims. Accordingly, the amended claims are believed to be definite within the meaning of 35 U.S.C. § 112, second paragraph, and reconsideration and withdrawal of these claim rejections is respectfully requested

**II. REJECTION OF CLAIMS 1-4, 6-10, 14-17, 19-21, AND 23-35 UNDER 35 U.S.C. § 102**

Claims 1-4, 6-10, 14-17, 19-21, and 23-35 were rejected under 35 U.S.C. § 102 as being anticipated by Amin 6,373,931. Applicant notes that the Office Action at page 3 indicates that claims 23-35 are rejected, which is believed to be a typographical error, wherein claims 23-35 are believed to have been rejected under 35 U.S.C. § 102. Reconsideration and withdrawal of these rejections is respectfully requested for at least the following reasons.

Independent claim 1 and original dependent claim 35 have been cancelled without prejudice or disclaimer.

Allowable claim 13 has been rewritten above in independent form, and rejected claims 2-4, 6-10, 14, and 15 now depend from independent claim 13, whereby these claims are now believed to be in condition for allowance and notice thereof is requested.

The elements of allowable claim 36 and intervening claim 35 have been incorporated into independent claim 26, whereby this claim and remaining dependent claims 27-34 are now believed to be in condition for allowance and notice thereof is respectfully requested.

Independent claim 16 has been amended to include the features of original dependent claim 17 and is now believed to be patentably distinct from the record art. In particular, original claims 16 and 17 were rejected as anticipated by Amin. However, original claim 17 (and now amended independent claim 16) recite a method of applying variable charges associated with a call in a telecommunication network, in which the calling party first subscriber is charged with the variable charges normally billed to the called party. This is neither taught nor suggested by Amin. Rather, the system of Amin provides a *called* party subscriber with the ability to designate the calling party as the person responsible for paying for a call to the subscriber. Thus, in Amin, the called party subscribes to the service and decides whether incoming calls will be billed normally or whether the caller will be billed subject to granting permission before the call is connected. The methods of amended claim 16 and amended dependent claims 17, 19-21, and 23-25 involve billing services controlled by the first party where the first party is a calling party and the second party is a called party in relation to the call. Therefore,

these amended claims are not anticipated by Amin, and reconsideration and allowance thereof is respectfully requested under 35 U.S.C. § 102. Applicant notes in this regard that dependent claim 17 has now been amended in similar fashion to original claim 2, and that claims 21-25 have been amended to provide the features of original claims 4-7 and 13, respectively, by the above amendment.

**III. REJECTION OF CLAIMS 5, 18, AND 22 UNDER 35 U.S.C. § 103**

Claim 5 was rejected under 35 U.S.C. § 103 as being unpatentable over Amin in view of Rosenberg US2003/0013434. As amended above, claim 5 depends from amended independent claim 13, indicated in the Office Action as allowable, whereby claim 5 is believed to be in condition for allowance for at least this reason, and reconsideration thereof is respectfully requested under 35 U.S.C. § 103.

Claims 18 and 22 were rejected under 35 U.S.C. § 103 as being unpatentable over Amin in view of Lundstrom US2002/0183040. As discussed above, amended independent claim 16 recites a method of applying variable charges associated with a call in a telecommunication network, in which the calling party first subscriber is charged with the variable charges normally billed to the called second party, which is neither taught nor suggested by Amin. Lundstrom does not appear to remedy this deficiency of Amin, whereby claims 18 and 22 are believed to be in allowable condition for at least this reason. In addition, Applicant notes that dependent claim 22 has been amended above to recite features similar to original claim 5, which features are believed to be patentably distinct from the proposed combination of Amin with Lundstrom.

**CONCLUSION**

For at least the above reasons, the currently pending claims are believed to be in condition for allowance and notice thereof is requested.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 06-0308, LUTZ200259.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
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Date

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